

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

WASEEM DAKER,

Plaintiff,

v.

MARTY ALLEN, *et al.*,
individually and in their
official capacities,

Defendants.

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CV 617-79

O R D E R

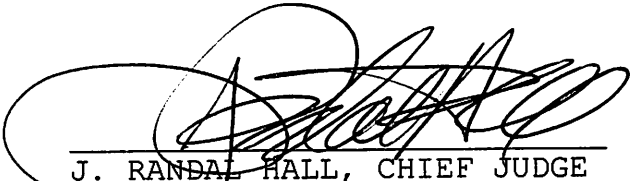
Before the Court is Plaintiff's motions to vacate the Court's Order adopting the Magistrate Judge's Report and Recommendation and to stay these proceedings pending his appeal in Daker v. Bryson, et al., No. 17-14066 (11th Cir. Sep. 6, 2017), and Daker v. Comm'r Ga. Dept. of Corr., et al., No. 14-13257 (11th Cir. Apr. 4, 2014). (Docs. 46, 53, 56, 58.) Because Plaintiff does not satisfy the criteria for relief under Federal Rule Civil Procedure 59(e) and has not shown that this case should be stayed, his motions are **DENIED**.

Relief under Rule 59(e) is only appropriate when the moving party shows: (1) there has been a change in law; (2) new evidence is available; or (3) reconsideration is necessary to correct a clear error or to prevent manifest injustice. McCoy v. Macon Water Auth., 966 F. Supp. 1209, 1223 (M.D. Ga. 1997).

Plaintiff argues that the Court should not have dismissed his complaint for his failure to comply with the Court's deadlines. Nevertheless, Plaintiff essentially makes the same arguments found in his objection to the Magistrate Judge's Report and Recommendation. For example, Plaintiff still insists that his physical injuries prevented him from complying with the Court's deadlines. The Court already considered Plaintiff's excuses and decided that dismissal was still appropriate. (Doc. 42, at 6-7.) Plaintiff's motion is merely an attempt to relitigate matters already decided by the Court, which does not entitle him to relief under Rule 59(e). Jones v. Southern Pan Servs., 450 F. App'x 860, 863 (11th Cir. 2012).¹

Therefore, upon due consideration, Plaintiff's motions to vacate the Court's Order and stay these proceedings (docs. 46, 53, 56, 58) are **DENIED**.

ORDER ENTERED at Augusta, Georgia this 16th day of July, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ Because Plaintiff has not shown that he is likely to succeed on the merits, his motion to stay (doc. 56) is **DENIED**. See Garcia-Mir v. Meese, 781 F.2d 1450, 1453 (11th Cir. 1986).